IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.521 OF 2005

The State of Maharashtra .. Applicant.

v/s.

Bandu Shankar Kothule & ors. .. Respondents.

Ms.Usha Kejariwal, Additional Public Prosecutor for the State.

Mr.Prakash Naik for respondent Nos.3,5,8, and 9.

Mr.L.R.Chari, senior counsel i/by Mr.V.S.Ketkar for respondent Nos.1,2,4,6,7 and 10 to 23.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 4th March, 2005

P.C.

Heard Ms.Usha Kejariwal, the learned Additional Public Prosecutor, Mr.L.R.Chari, the learned senior counsel for respondent Nos.1,2,4,6,7 and 10 to 23 and Mr.Prakash Naik, the learned counsel for respondent Nos.3,5,8 and 9.

2. We perused the impugned judgment and the available evidence.

3. The learned Additional Public Prosecutor candidly conceded and, in our opinion, rightly that there is no evidence against the original accused Nos.3,5,8,9,10,18,21 and 22 (present respondent Nos.3,5,8,9,10,18,21 and 22).

4. Leave against the said respondents being respondent Nos.3,5,8,9,10,18,21 and 22 is rejected.

5. However, leave is granted in respect of the other respondents.

6. Office to act as per clause (ii) of Rule 19 of Chapter XXVI of the High Court, Appellate Side Rules, 1960 and enter the appeal in the register of appeals and number it accordingly.

7. The appeal so registered and numbered shall be treated as admitted.

8. Call for record and proceedings.

9. Hearing expedited.

10. The advocate on record for respondent Nos.1,2,4,6,7 and 10 to 17,19,20 and 23 waives service.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)